

041-24-02

CPA/1600\$

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

☐ DUPLICATE



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## "EXPRESS MAIL" MAILING LABEL

Number: EV 047414827 US Date of Deposit: APRIL 1, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.14 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on APRIL 1, 2002.

Typed or Printed Name: Stephanie Nantz

Signed: *[Signature]*

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.	A-66828-2/RMS/DCF/SRA
First Named Inventor	Chee
Examiner Name	A. Marschel
Group/Art Unit	1631
Express Mail Label No.	EV 047414827 US

TECH CENTER 16002900

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This is a request for ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/ 344,526

filed on June 24, 1999, entitled DECODING OF ARRAY SENSORS WITH MICROSPHERES

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (April 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
- Information Disclosure Statement (IDS) is enclosed:
  - ☒ PTO-1449
  - ☒ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. §1.16(c) or (j))	45	-20 =	25	X \$ 18	\$ 450
INDEPENDENT CLAIMS (37 C.F.R. §1.16(b) or (i))	4	-3 =	1	X \$ 84	\$ 84
MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 C.F.R. §1.16(d))				+ \$ 280	\$ 280
				BASIC FEE (37 C.F.R. §1.16)	\$ 740
				TOTAL OF ABOVE CALCULATIONS =	\$ 1,554
				Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§1.9, 1.27, & 1.28).	\$ 777
				TOTAL =	\$ 777

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 1300 (Order No. A-66828-2/RMS/DCF/SRN)
- a. ☒ Fees required under 37 C.F.R. § 1.16
- b. ☒ Fees required under 37 C.F.R. § 1.17
- c. ☐ Fees required under 37 C.F.R. § 1.18
8. ☒ A check in the amount of \$1,237 is enclosed (Filing fee and 3-month extension)
9. ☒ Other: •Petition for Extension of Time  
•Return postcard
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☒ Conditional Petition for Extension of Time: An extension of time is requested in the present and/or above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

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**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**10. NEW CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☐ New correspondence address below

Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
4 Embarcadero Center, Suite 3400  
San Francisco, CA 94111  
Telephone: 415 781 1989  
Fax: 415 398 3249

Name (Print/Type)

Robin M. Silva *David C. Foster*

Signature

*David C. Foster*

Registration No. (Attorney/Agent)

38,304 *44,685*

Date

April 1, 2002



PATENT

Attorney Docket No.: A-66828-2/RMS/DCF/SRN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CHEE, *et al.*

Serial No.: 09/344,526

Filed: June 24, 1999

For: DECODING OF ARRAY  
SENSORS WITH  
MICROSPHERES

)  
) Art Unit: 1631  
) Examiner: A. Marschel  
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Assistant Commissioner for Patents  
Washington, DC 20231

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the Final Office Action mailed October 1, 2001. This response, which is mailed prior to or on the extended deadline of April 1, 2002, is accompanied by a Petition for a three month Extension of Time and requisite fee pursuant to 37 C.F.R. 1.17(a)(3) making this a timely response. This response is filed with a CPA and accompanied by the requisite fee.